

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

MARK HALL,

Plaintiff,

v.

Case No. 2:06-cv-193  
HON. ROBERT HOLMES BELL

DAVID BURNETT, et al.,

Defendants.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S**

**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on February 12, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff has failed to show that the prison policy used in determining whether he is entitled to a Kosher meal violated his constitutional rights. Defendants acted reasonably in making the determination that plaintiff is not entitled to a Kosher meal. Plaintiff has for the first time asserted that the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1, was violated by defendants' conduct. Plaintiff, however, has not even attempted to explain how defendants imposed a substantial burden on his practice of religion under the circumstances of this case.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #33) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that an appeal of this action would not be in good faith within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997). For the same reasons that the court grants defendants' motion for summary judgment, the court can discern no good-faith basis for an appeal. Should the plaintiff appeal this decision, the court will assess the \$455 appellate filing fee pursuant to § 1915(b)(1), *see McGore*, 114 F.3d at 610-11, unless plaintiff is barred from proceeding *in forma pauperis*, e.g., by the "three-strikes" rule of § 1915(g). If he is barred, Plaintiff will be required to pay the \$455 appellate filing fee in one lump sum.

Date: March 7, 2008

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE